

HOUSE No. 821

By Mr. Petersen of Marblehead, petition of Douglas W. Petersen and others for legislation to promote recycling in the Commonwealth. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

PETITION OF:

Douglas W. Petersen	Stephen M. Brewer
Pamela P. Resor	Mark C. Montigny
Jennifer L. Flanagan	Timothy J. Toomey, Jr.
David Paul Linsky	Peter V. Kocot
Ruth B. Balser	Barbara A. L'Italien
Gale D. Candalas	William Smitty Pignatelli
Willie Mae Allen	Christopher N. Speranzo
James B. Eldridge	Kay Khan
William N. Brownsberger	Christine E. Canavan
John W. Scibak	William Lantigua
James M. Murphy	

In the Year Two Thousand and Seven.

AN ACT TO PROMOTE RECYCLING IN THE COMMONWEALTH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1. Section 2 of Chapter 21H of the General Laws, as
- 2 appearing in the 1998 Official Edition, is hereby amended by adding
- 3 after the definition of “Landfill” the following definitions:—
- 4 “Mercury-added waste product”, a waste product to which the
- 5 manufacturer intentionally introduced mercury including, but not
- 6 limited to, button cell or mercuric oxide batteries, electric light
- 7 bulbs, thermostats, thermometers, automotive devices, electric
- 8 switches, appliances, medical or scientific instruments, electric
- 9 relays, or other electrical devices.
- 10 “Multi-unit residential complex”, a residential building or resi-
- 11 dential complex consisting of more than two separate residential
- 12 units.

1 SECTION 2. Chapter 21H of the General Laws, as appearing in
2 the 1998 Official Edition, is hereby amended by inserting after
3 Section seven the following new sections:—

4 Section 7A. The department shall promulgate regulations estab-
5 lishing standards for recycling programs for all owners and operators
6 of industrial, commercial, institutional and governmental facilities
7 and all multi-unit residential complexes, as defined in Section two of
8 this chapter. Such regulations and standards shall, at a minimum,
9 require such owners and operators to provide for the collection of
10 the following materials for the purpose of recycling such mate-
11 rials:— aluminum containers, metal containers, glass containers,
12 single polymer plastics, and recyclable paper. Such regulations and
13 standards shall also require owners and operators of industrial, com-
14 mercial, institutional and governmental facilities and all multi-unit
15 residential complexes, as defined in Section two, to provide informa-
16 tion to tenants and other building occupants regarding programs for
17 the collection and recycling of the following materials:— lead bat-
18 teries, mercury-added waste products, tires, white goods, cathode ray
19 tubes, leaves, and other yard waste. The department shall make such
20 information available to the owners and operators of such facilities
21 through written education materials, one or more forms of electronic
22 media and by establishing a toll-free telephone number.

23 All owners or operators of industrial, commercial, institutional or
24 governmental facilities or multi-unit residential complexes, as
25 defined in Section two, which are not being served by a municipal
26 recycling program are encouraged to establish collection and recy-
27 cling programs on their own or by creating partnerships with other
28 entities. Such recycling programs shall, at a minimum, provide for
29 the collection of the following materials for the purpose of recycling
30 such materials:— aluminum containers, metal containers, glass con-
31 tainers, single polymer plastics, and recyclable paper. Such programs
32 shall also provide information to tenants and other building occu-
33 pants regarding existing programs for the collection and recycling of
34 the following materials:— lead batteries, mercury-added waste prod-
35 ucts, tires, white goods, cathode ray tubes, leaves, and other yard
36 waste. In order to provide an incentive for owners and operators of
37 industrial, commercial, and institutional facilities and multi-unit resi-
38 dential complexes to establish their own recycling programs on a
39 voluntary basis, monies from the General Fund shall be made avail-

40 able to such owners and operators who establish their own collection
41 and recycling programs prior to January 1, 2008. Criteria for dis-
42 bursing such monies shall be set forth in the regulations promulgated
43 by the department pursuant to this section.

44 All owners or operators of industrial, commercial, institutional or
45 governmental facilities or multi-unit residential complexes who dis-
46 pose of any solid waste in the Commonwealth and have not estab-
47 lished their own recycling programs meeting the criteria set forth in
48 this section by January 1, 2008, shall be required to implement recy-
49 cling programs in accordance with the regulations promulgated by
50 the department no later than July 1, 2008.

51 Section 7B. The department shall implement a comprehensive
52 program to reduce the generation of waste from the construction and
53 demolition of buildings. The department shall promulgate regula-
54 tions to require the reduction of the generation of waste and increase
55 recycling from the construction and demolition of buildings, which
56 shall include requirements for job-site separation of debris, and a
57 prohibition against the disposal in Massachusetts of recyclable mate-
58 rials from building construction and demolition. The department
59 shall establish at least four permanent materials exchange facilities
60 where used building materials can be taken to be reused, and shall
61 establish materials exchange networks to facilitate the reuse and
62 recycling of building materials.

1 SECTION 3. Chapter 143 of the General Laws, as appearing in
2 the 1998 Official Edition, is hereby amended by inserting after
3 Section three Z the following new section:—

4 Section 3AA. Every newly constructed industrial, commercial,
5 institutional, governmental or multi-unit residential complex, as
6 defined in Section two of Chapter 21H of the General Laws, shall
7 have adequate space for the temporary storage of recyclable solid
8 waste materials, including, but not limited to, aluminum containers,
9 metal containers, glass containers, single polymer plastics, and recy-
10 clable paper.

1 SECTION 4. Section 150A of Chapter 111 of the General Laws,
2 as so appearing, is hereby amended by striking the definition of
3 “facility” and inserting in place thereof the following:—

4 “Facility”, a sanitary landfill, a refuse transfer station, a refuse
5 composting plant, a dumping ground for reuse or any other works
6 for treating, storing, or disposing of refuse but not including a refuse
7 incinerator or a resource recovery facility.

1 SECTION 5. Section 150A of Chapter 111 of the General Laws,
2 as so appearing, is hereby further amended by adding the following
3 after line 25 of said section:—

4 No site in any city or town shall be assigned as a site for a refuse
5 incinerator or resource recovery facility, or as an expansion thereof,
6 unless said site assignment or expansion was in effect on or before
7 July first, two thousand. The department shall not grant a permit for
8 a refuse incinerator or resource recovery facility, or for an expansion
9 thereof, unless said permit was granted on or before July first, two
10 thousand.

1 SECTION 6. The department of environmental protection shall
2 prepare a report on the department’s efforts to enforce the provisions
3 of 310 Code of Massachusetts Regulations (CMR) 19.017, the so-
4 called “waste bans”. The report shall be submitted to the clerks of
5 the senate and the house and the joint committee on natural
6 resources and agriculture no later than August 1, 2006.

1 SECTION 7. The department of environmental protection shall
2 promulgate regulations to implement Section two of this act no later
3 than January 1, 2007.

1 SECTION 8. Section three of this act shall apply to all industrial,
2 commercial, institutional, and governmental buildings, or multi-unit
3 residential complexes, as defined in Section two of Chapter 21H of
4 the General Laws, where construction has commenced after the pas-
5 sage of this act.

1 SECTION 9. The department of environmental protection shall
2 prepare a report on the progress and success of the collection and
3 recycling programs established in Section two of this act. The report
4 shall be submitted to the clerks of the senate and the house and the
5 joint committee on natural resources and agriculture no later than
6 July 1, 2006.

1 SECTION 10. A sum of \$5,000,000, to be provided in annual
2 increments of \$1,666,666 per year for three years, beginning in the
3 year immediately following the passage of this act, is provided from
4 the General Fund for the purpose of providing financial incentives
5 for the voluntary collection and recycling programs established pur-
6 suant to Section two of this act.